

KEITH BREINER,

Plaintiff,

v.

CITY OF BEAUMONT, TEXAS, FRANK
C. COFFIN, and CURTIS BREAUX,

Defendants.

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CIVIL ACTION NO. 1:10-CV-531

**ORDER OVERRULING OBJECTIONS AND ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**


The Court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge, for pretrial management pursuant to an Order of Reference entered on October 2, 2012. (Doc. No. 52.) Pending is Defendants Frank C. Coffin and Curtis Breaux's resubmitted "Motion for Summary Judgment" (Doc. No. 45), and Defendant City of Beaumont's "Resubmitted Motion for Summary Judgment" (Doc. No. 48). The Court has received and considered the report (Doc. No. 68) of the magistrate judge, who recommends that the Court grant the Defendants' motions for summary judgment and dismiss with prejudice all of Plaintiff Keith Breiner's claims. Breiner filed timely objections (Doc. No. 69) to the report and recommendation, and Defendants Coffin and Breaux filed a response (Doc. No. 70) to Breiner's objections. Breiner also filed a reply (Doc. No. 71) to the Defendants' response.

Pursuant to Breiner's objections, the Court has conducted a de novo review of the magistrate judge's report and recommendation based on the relevant pleadings, motions, and exhibits. *See* FED. R. CIV. P. 72(b)(3). After careful consideration, the Court concludes that the magistrate judge correctly determined that there is no genuine dispute as to any material fact

regarding Breiner's claims under federal law. The magistrate judge applied the correct legal standard when reviewing the summary judgment evidence; Breiner simply did not meet his summary judgment burden. Consequently, Breiner's objections are without merit.

It is **ORDERED** that Breiner's objections (Doc. No. 69) are **OVERRULED**; the magistrate judge's report and recommendation (Doc. No. 68) is **ADOPTED**; the Defendants' motions for summary judgment (Doc. Nos. 45, 48) are **GRANTED**; and Breiner's claims are dismissed with prejudice.

SIGNED at Beaumont, Texas, this 27th day of February, 2013.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE